

1 **SAO**

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11 *Attorneys for Wells Fargo Bank, N.A., successor by merger with  
12 Wachovia Bank, N.A.*

13 **IN THE UNITED STATES DISTRICT COURT  
14 DISTRICT OF NEVADA**

15 NNN SIENA OFFICE PARK I 2, LLC, a  
16 Delaware limited liability company, et al.,

17 CASE NO.2:12-cv-01524-MMD-PAL

18 Plaintiffs,  
19 vs.  
20 WACHOVIA BANK NATIONAL  
21 ASSOCIATION, now known as WELLS  
22 FARGO BANK, NATIONAL  
23 ASSOCIATION, successor by merger, et  
24 al.,

25 **STIPULATION AND ORDER FOR  
26 DISMISSAL OF FOURTH CLAIM FOR  
27 RELIEF WITH PREJUDICE**

28 Defendants.

18 Pursuant to representations made in open court on August 28, 2014, Plaintiffs and  
19 Defendant Wachovia Bank National Association, now known as Wells Fargo Bank, National  
20 Association, successor by merger, hereby stipulate that the Fourth Claim for Relief in the  
21 Complaint (breach of the implied covenant of good faith and fair dealing) may be dismissed with  
22 prejudice.

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1 A proposed form of order is submitted with this Stipulation.

2 Respectfully submitted this 3<sup>rd</sup> day of September, 2014.

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4 SNELL & WILMER L.L.P.

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6 By: /s/ Jeffrey Willis  
7 Jeffrey Willis, Esq. (Nevada Bar No. 4797)  
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9 Las Vegas, NV 89169

10

11 *Attorneys for Wachovia Bank, N.A., now known as*  
12 *Wells Fargo Bank, N. A.*

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14

15 By: /s/ Bart K. Larsen  
16 Bart K. Larsen, Esq.  
17 Kolesar & Leatham  
18 400 S. Rampart Blvd., Suite 400  
19 Las Vegas, NV 89145  
20 *Attorneys for Plaintiffs*

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23 **ORDER**

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25 **IT IS SO ORDERED.**

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27 DATED this 3<sup>rd</sup> day of September, 2014.

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32 DISTRICT COURT JUDGE

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1 Respectfully submitted,

2 SNELL & WILMER L.L.P.

3 By: /s/Jeffrey Willis

4 Jeffrey Willis, Esq.  
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8 *Attorneys for Wells Fargo Bank, N.A., former  
Trustee for the Registered Holders of Wachovia  
Bank Commercial Mortgage Trust Pass-Through  
Certificates Series 2007-C32, and successor by  
merger with Wachovia Bank, N.A.*

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L.L.P.

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**CERTIFICATE OF SERVICE**

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On this date, I caused to be served a true and correct copy of the foregoing **STIPULATION FOR DISMISSAL OF FOURTH CLAIM FOR RELIEF WITH PREJUDICE** by the method indicated:

x U. S. Mail

\_\_\_\_\_ U.S. Certified Mail

\_\_\_\_\_ Facsimile Transmission

\_\_\_\_\_ Federal Express

x Electronic Service

and addressed to the following:

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**(Via U.S. Mail Only)**

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DATED this 3<sup>rd</sup> day of September, 2014.

Pat Trager  
An employee of Snell & Wilmer L.L.P.